

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LYNNETTE TATUM-RIOS, individually and on behalf :
of all other persons similarly situated, : 21 Civ. 4845 (PAE) (JLC)
:
Plaintiff, : ORDER OF DISMISSAL
:
-v-
:
MINERAL HEALTH, INC., :
:
Defendant. :
:
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PAUL A. ENGELMAYER, District Judge:

On June 1, 2021, plaintiff filed the complaint in this action. Dkt. 1. On June 21, 2021, service of process was executed on defendant. *See* Dkt. 6. Defendant's answer was due on July 12, 2021. On August 3, 2021, the Court issued an order to show cause why this action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41. Dkt. 7. That order advised that cause may be shown by properly requesting a certificate of default from the Clerk of Court, and, by August 17, 2021, filing a motion for default judgment with the Court. Plaintiff has not taken these steps or otherwise taken any action to make any progress in this case since the Court's order to show cause.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case, without prejudice, for the plaintiff's failure to prosecute.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: April 5, 2022
New York, New York